

Defendant FC Oaks Answer to Plaintiff's Complaint is attached hereto as Exhibit "C." Defendant Franklin Johnston's Answer to Plaintiff's Complaint is attached hereto as Exhibit "D." Defendants' Jury Demand is attached hereto as Exhibit "E." The discovery filed by Plaintiff is attached hereto as Exhibit "F." No other pleadings, discovery or other papers have been filed in this matter in the State Court of Fulton County.

3.

The Plaintiff in this action, Anielka Medrano, was at all times a citizen and resident of the State of Georgia. (*See* Complaint, ¶ 4)

4.

Defendant Franklin Johnston is now, was at the time of commencement of this lawsuit, and at all times since, a corporation organized and existing under the laws of the State of Virginia, and having its principal place of business in Virginia Beach, Virginia. (*See* Complaint, ¶ 1) No member of Franklin Johnston is a citizen of the State of Georgia. A list of the members of Franklin Johnston and their citizenship is attached hereto as Exhibit "G." *See Rolling Greens MHP, L.P. v. Comcast SCH Holdings, LLC*, 374 F.3d 1020, 1022 (11th Cir. 2004) (to sufficiently allege the citizenships of . . . unincorporated business entities, a party must list the citizenship of all the members of the limited liability company[ies].")

5.

Defendant FC Oaks is now, was at the time of commencement of this lawsuit, and at all times since, a corporation organized and existing under the laws of the State of Virginia, and having its principal place of business in Virginia Beach, Virginia. (*See* Complaint, ¶ 2) No member of FC Oaks is a citizen of the State of Georgia. A list of the members of FC Oaks and their citizenship is attached hereto as Exhibit “H.” *See Rolling Greens*, 374 F.3d at 1022.

6.

Plaintiff alleges in the Complaint that she tripped and fell over an improperly maintained staircase at an apartment complex owned and managed by the Defendants. (Complaint, ¶¶ 3, 4, 7) In the Complaint, Plaintiff does not specify an amount of special damages being sought. (*See* Complaint) Plaintiff submitted a demand to Defendants on April 20, 2021, alleging total special damages of \$114,276.09, and demanding \$350,000.00. (*See* Demand Letter,¹ Exhibit “I”). Plaintiff is seeking sums in excess of \$75,000.00, exclusive of interest and costs.

7.

All Defendants properly joined and served in this lawsuit join and consent in the instant notice of removal.

¹Defendants have not included the attachments to the Demand Letter for the sake of brevity. Should those documents be required, Defendants will file the attachments.

8.

The foregoing action is properly removable to this Court pursuant to 28 U.S.C. § 1441(a), 28 U.S.C. § 1446(a), (b), and (c), and in accordance with 28 U.S.C. § 1332(a), there being diversity of citizenship between the Plaintiff and the properly joined and served Defendants, and the matter in controversy, exclusive of interests and costs, exceeds the sum of \$75,000.00.

9.

Now, within thirty (30) days after service and receipt by the Defendants of Plaintiff's Complaint, notice is hereby given in accordance with 28 U.S.C. § 1446 and pursuant to Rule 11, Federal Rules of Civil Procedure, of the removal of said action to this Court.

This **30th** day of March, 2022.

**COPELAND, STAIR,
VALZ & LOVELL, LLP**

By: /s/ Jay M. O'Brien

JAY M. O'BRIEN

State Bar No.: 234606

Counsel for Defendants

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CERTIFICATE OF FONT AND CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was prepared in Times New Roman 14-point font in conformance with Local Rule 5.1C, and that I have served a copy of the **DEFENDANTS' NOTICE OF AND PETITION FOR REMOVAL** via electronic filing and service to all counsel as follows:

Noah Rosner
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Counsel for Plaintiff

This **30th** day of March, 2022.

**COPELAND, STAIR,
VALZ & LOVELL, LLP**

By: /s/ Jay M. O'Brien
JAY M. O'BRIEN
State Bar No.: 234606
Counsel for Defendants